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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

bolicant: Michael Cecchi et al

Docket No.: H-1351

Sepral No.: 10/053,944

Group: 1744

Filed: January 24, 2002

Examiner: D. Redding

For: "Biological Specimen Culturing System and Method With Onboard Specimen

**Development Sensors**"

## PETITION AND FEE FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION (37 CFR §1.137(b))

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This is a petition to revive the above-identified application which was unintentionally abandoned due to an unintentional delay in prosecuting the application resulting from a unintentional failure to respond to a first office action, which was allegedly mailed by the USPTO on October 14, 2003. A Notice of Abandonment Under 37 CFR 1.53(f) or (g) was mailed May 3, 2004. A copy of the Notice of Abandonment is also enclosed herewith.

The reason for failing to respond to the first office action is that it was never received by the undersigned attorney of record. The undersigned has spoken to Examiner Redding about this matter and the Examiner was kind enough to FAX a copy of the first office action to the undersigned so as to enlighten the undersigned as to the contents thereof. The undersigned informed the Examiner of the filing of a petition under 37 CFR 1.181 and the Examiner responded by doubting that such a petition would be granted in this case. The Examiner explained that the USPTO presumes that the US Postal Service delivers mail properly to the party in question, and that this presumption is essentially non-rebuttable by the party in question. The Examiner opined that the only way to reopen prosecution of this case would be to file this petition. We also enclose a copy of a response to the first office action so that this case may be further examined without further delay.

Our check in the amount of \$665.00 in payment of the petition fee is enclosed.

We trust that in the event that the petition under 37 CFR 1.181 is granted, that the fee payment submitted in connection with this petition will be refunded to the undersigned.

Respectfully submitted,

William W. Jones Attorney for Applicant Reg. No. 24,607 6 Juniper Lane Madison, CT 06443 (203) 245-2418

Date: 9- )9-04

SEP 2 2 2004		
E. J.S.	Application No.	Applicant(s)
RADEMARIA OF A bondon mont	10/053,944	CECCHI ET AL.
Notice of Abandonment	Examiner	Art Unit
	David A Redding	1744
The MAILING DATE of this communication appears on the cover sheet with the correspondence address		
This application is abandoned in view of:		
Applicant's failure to timely file a proper reply to the Office letter mailed on		

DAVID A. REDDING PRIMARY EXAMINER GROUP 1300

4/29/2004

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment
Part of Paper No. 20040429